



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

237

CRM-M-23778-2020 (O&M)**Date of decision: 30.08.2024**

Robin Singla and others

....Petitioners

V/s

State of Punjab and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sapan Dhir, Advocate, for the petitioners.

Mr.Navdeep Singh, DAG, Punjab.

Mr. Abhishek Sethi, Advocate respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is for quashing of FIR No.0041 dated 26.02.2020 under Section 306 of the IPC registered at Police Station City-2, Mansa, District Mansa (Annexure P-4), and all consequential proceedings arising out of the same, on the basis of compromise dated 19.03.2020 (Annexure P-5) arrived at, between the parties.

2. Learned counsel for the petitioners has reiterated his submissions made on the previous dates of hearing that the petitioners, with the intervention of respectables have compromised the matter with complainant-respondent No.2, who is the mother of deceased Manpreet Singh. Learned counsel has drawn the attention of this Court to the compromise effected between the parties which has been annexed as Annexure P-3 and is reproduced here-in-below:

“Today on 23.02.2020 with the intervention of respectable persons of the society consisting of (1) Harjeet Singh s/o Harjinder Singh resident of Thuthanwali Road, Mansa (2) Manoj Kumar s/o Sarjiwan Kumar resident of Labh Singh Wali Gall, Mansa, Tehsil & District Mansa.



We **Robin Singla** s/o Sanjeev Singla, resident of Near Rekhi Hospital, Ward No. 20, Mansa, Tehsil & District Mansa (complainant in case FIR No. 27 dated 19.02.2020 u/s 452/323/140/149/506 IPC, Police Station City-1, Mansa) had effected compromise with (1) Manpreet Singh alias Mani, 20 years s/o Jagdish Singh r/o Chand Chahal Wali Gali Ward No. 05, Gali No. 2, Mansa (2) Prabhjot Singh alias Prince alias Khada 20 Years Amarjeet Singh, r/o Chand Chahal Wali Gali, Ward No.05, Gali No 2, Mansa (3) Navjot Singh s/o Balwinder Singh, resident of Golden Cooler Street, Near Bus Stand Mansa, Tehsil & District Mansa (accused in FIR No. 27 dated 19.02.2020 u/s 452/323/140/149/506 IPC, Police Station City-1, Mansa) in respect of the above mentioned FIR No. 27 dated 19.02.2020 u/s 452/323/140/149/506 IPC, Police Station City-1, Mansa, as the Panchayat had resolved the grievance of the above named complainant namely **Robin Singla**, as the accused (1) Manpreet Singh alias Mani 20 years s/o Jagdish Singh r/o Chand Chahal Wall Gali Ward No. 05, Gali No. 2, Mansa (2) Prabhjot Singh alias Prince alias Khada 20 Years Amarjeet Singh, r/o Chand Chahal Wali Gali, Ward No.05, Gali No 2, Mansa (3) Navjot Singh s/o Balwinder Singh, resident of Golden Cooler Street, Near Bus Stand Mansa, Tehsil & District Mansa had felt sorry in front of Panchayat members of their act of beating the complainant namely **Robin Singla** without any fault on part of **Robin Singla** and further Rs. 45,000/- pertaining to complainant **Robin Singla** is also paid back to **Robin Singla** by accused Prabhjot Singh alias Khada in front of Panchayat and now there is no dispute in between both the parties to the above mentioned FIR and in order to end the litigation and live a peaceful life parties want to get the above mentioned FIR No. 27 dated 19.02.2020 u/s 452/323/140/149/506 IPC, Police Station City-1, Mansa is required to be quashed/cancelled and both the parties are ready and willing to adopt such path in order to get the FIR cancelled/quashed and further complainant **Robin Singla** will raise no objection in getting the sanction of anticipatory bail of the accused persons and further to perform their part of duty i.e. to give statement etc. before the Hon'ble Court, if required or to perform such part of duty which is necessary to get the FIR quashed/cancelled.

Today this compromise deed was written down dated 21.02.2020, so that can be used in future.

Witnesses:	Parties:
(1) Harjeet Singh s/o Harjinder Singh	Robin Singla s/o Sanjeev Singla,



<i>resident of Thuthanwali Road, Mansa (Sd/-)</i>	<i>resident of Near Rekhi Hospital, Ward No. 20, Mansa, Tehsil & District Mansa (complainant in case FIR No.27 dated 19.02.2020 u/s 452/323/140/149/506 IPC, Police Station City-I, Mansa)</i>
<i>(2) Manoj Kumar s/o Sarjiwan case FIR No. 27 dated 19.02.2020 Kumar resident of Labh Singh Wall u/s 452/323/140/149/506 IPC, Gali, Mansa, Tehsil & District Police Station City-I, Mansa) Mansa. (Sd/-)</i>	<i>(Sd/-)</i>
	<i>(1) Manpreet Singh alias Mani, 20 years s/o Jagdish Singh r/o Chand Chahal Wali Gall Ward No. 05, Gali No.2, Mansa (Sd/-)</i>
	<i>(2) Prabhjot Singh alias Prince alias Khada 20 years Amarjeet Singh, r/o Chand Chahal Wali Gali, Ward No.05, Gali No.2, Mansa (Sd/-)</i>
	<i>(3) Navjot Singh s/o Balwinder Singh, resident of Golden Cooler Street, Near Bus Stand Mansa, Tehsil & District Mansa (Sd/-)</i>
	<i>(Accused in FIR No.27 dated 19.02.2020 u/s 452/323/140/149/506 IPC, Police Station City-I, Mansa)</i>

3. Learned counsel for the petitioners submits that pursuant to the following order dated 03.12.2020 passed by a Coordinate Bench of this Court, the parties had got their respective statements recorded before the Trial Court/Illaqa Magistrate concerned with respect to the compromise so effected:

“This petition seeks quashing of FIR (Annexure P-4) registered under Section 306 of the IPC at Police Station City-2, Mansa, District Mansa, and all subsequent proceedings arising therefrom, on the basis of compromise.

In view of the above, the petitioners and the private respondents are at liberty to appear before the Trial Court/Illaqa Magistrate on 22.12.2020, for getting their statements recorded with regard to the



compromise arrived at between them. Ld. Trial Court/Illaq Magistrate after ensuring their identity as well as the fact that the statements are being made by them voluntarily and without any pressure, shall record the same and will submit its report well before the next date of hearing. The Magistrate shall also report about the veracity of the compromise apart from informing the names and number of the accused involved and whether any of the accused has been declared proclaimed offender in the case.

It is however made clear that such liberty to the parties to get their statements recorded does not in any way entitle them to seek quashing on the basis of compromise since maintainability of the petition itself in view of offence under Section 306 of the IPC is to be considered by the Court after hearing on merits at the appropriate stage.”

4. Prayer has therefore, been made for quashing of the FIR in question which stands reproduced here-in-under as continuation of criminal proceedings in the aforementioned circumstances would be a futile exercise and not serve any purpose:-

*“Statement of Sinder Kaur w/o Jagdish Singh r/o Ward No. 3, Jai Maa Mandir Wali Gali, Mansa, Aged About 40 Years, Stated that I am a resident of above address and a house wife. I have five children, out of which four daughters and one son Manpreet Singh aged about 20 years, who was studying in +2 in Dashmesh School, Mansa. My two daughters are married, two are unmarried. My husband died about 10 years ago and now I am residing in a rental accommodation in Jai Maa Mandir Street. My son Manpreet Singh had an altercation with **Robin Singla s/o Sanjeev Kumar** r/o Ward No. 20, Near Rekhi Hospital, Mansa on 18.02.2020, regarding which, an FIR had been registered at PS City Mansa against my son and his friends, regarding which, I requested **Robin Singla** r/o Mansa by visiting his home that in case my son has committed mistake, please forgive him, then **Robin Singla s/o Sanjeev Kumar** r/o Mansa and **Sanjeev Kumar** and Robin Singla's mother started telling me that you have taken us so we will ruin you. My son Manpreet Singh got anxious and was in tension. My son Manpreet Singh has taken his life by consuming some poisonous*



*substance by feeling pressure of **Robin Singla, Sanjeev Kumar** and Robin Singla's mother. My son Manpreet Singh was taken to CH Mansa for treatment, where the doctor declared my son Manpreet Singh dead, whose dead body is lying in CH Mansa Mortuary. I was coming to inform you, but you met me. Please take legal action against **Robin Singla, Sanjeev Kumar** and Robin Singla's mother. Statement got recorded to you, heard, admitted to be correct. Sd/ Sinder Kaur, abovenamed, statement witnessed Sd/- Kamaljit Singh s/o Surjan Singh, r/o Ward No. 2, Mansa, verified sd/- Makhan Singh, ASI, PS City 2, Mansa, dated 26.02.2020."*

5. Learned counsel for the State has, however, vehemently opposed the prayer made by the learned counsel for the petitioners for quashing of the FIR and all subsequent proceedings in view of the specific allegations levelled by the complainant in the FIR. Furthermore, it has been vehemently asserted by the learned counsel that it is the deceased who was the prime victim in the instant case having lost his life on account of the instigation by the petitioners and hence in the circumstances any compromise effected with the complainant-respondent No.2, to the exclusion of the prime victim i.e. deceased, Manpreet Singh, would be against the mandate of law. A prayer has, therefore, been made for dismissal of the instant petition.

6. I have heard learned counsel for the parties and have perused the relevant material placed on record.

Undoubtedly, this Court does indeed wield extensive powers under Section 482 of the Cr.P.C./528 of the BNSS, to quash an FIR, in the wake of a compromise effected between the parties, particularly in cases where the offences are of a private nature. It needs to be reiterated that the powers under Section 482 of the Cr.P.C./ 528 of the BNSS are no doubt wide however, they have to be exercised



with due circumspection and caution. The Hon'ble Supreme Court through its various judicial pronouncements has cautioned against the indiscriminate quashing of FIRs, even in those cases where a compromise has been arrived, if the offences in question impact the society at large. Furthermore and most pertinently, quashing of an FIR based on a compromise, no doubt is permissible, however, such like compromises can only be accepted, when both the accused and the victim are parties to it.

8. **Hon'ble the Supreme Court in Daxaben vs. The State of Gujarat 2022 LiveLaw (SC) 642** , while addressing a similar question of law regarding a compromise reached between the parties in a case involving an offence under Section 306 IPC, has held as follows:

“36. Offence under Section 306IPC of abetment to commit suicide is a grave, non-compoundable offence. Of course, the inherent power of the High Court under Section 482CrPC is wide and can even be exercised to quash criminal proceedings relating to non-compoundable offences, to secure the ends of justice or to prevent abuse of the process of court. Where the victim and offender have compromised disputes essentially civil and personal in nature, the High Court can exercise its power under Section 482CrPC to quash the criminal proceedings. In what cases power to quash an FIR or a criminal complaint or criminal proceedings upon compromise can be exercised, would depend on the facts and circumstances of the case.

37. However, before exercising its power under Section 482CrPC to quash an FIR, criminal complaint and/or criminal proceedings, the High Court, as observed above, has to be circumspect and have due regard to the nature and gravity of the offence. Heinous or serious crimes, which are not private in nature and have a serious impact on society cannot be quashed on the basis of a compromise between the offender and the complainant and/or the victim. Crimes like murder, rape, burglary, dacoity and even abetment to commit suicide are neither private nor civil in nature. Such crimes are against the society. In no circumstances can prosecution be quashed on compromise, when the offence is serious and grave and falls within the ambit of crime against society.

38. Orders quashing FIRs and/or complaints relating to grave and serious offences only on basis of an agreement with the complainant, would set a dangerous precedent, where complaints would be lodged for oblique reasons, with a view to extract money from the accused. Furthermore, financially strong offenders would go scot-free, even in cases of grave and serious offences such as murder, rape, bride-burning, etc. by buying off informants/complainants and settling with them. This would render otiose provisions such as Sections 306, 498-A, 304-B, etc. incorporated in IPC as a deterrent, with a specific social purpose.



39. In criminal jurisprudence, the position of the complainant is only that of the informant. Once an FIR and/or criminal complaint is lodged and a criminal case is started by the State, it becomes a matter between the State and the accused. The State has a duty to ensure that law and order is maintained in society. It is for the State to prosecute offenders. In case of grave and serious non-compoundable offences which impact society, the informant and/or complainant only has the right of hearing, to the extent of ensuring that justice is done by conviction and punishment of the offender. An informant has no right in law to withdraw the complaint of a non-compoundable offence of a grave, serious and/or heinous nature, which impacts society.”

9. This Court in case CRM-M-40039-2024 titled as '**Sukhwinder Singh @ Jassi @ Dhatu Vs. State of Punjab and others**', decided on **20.08.2024**, while dealing with a similar prayer for quashing of an FIR on the basis of a compromise for offences punishable under Section 279, 304A, 337, 427 of the IPC, observed and held as follows:-

“7. It is crucial to recognize that when the offence in question is non-compoundable, as in the present case, quashing the FIR/compounding the offences based on a compromise is only permissible when the accused and the victim both are parties to the settlement.

8. From a legal perspective, the term ‘victim’ encompasses several dimensions:

(i) Direct Sufferer of Harm: The primary meaning of ‘victim’, refers to an individual, who has directly experienced loss, harm and injury as a result of the alleged criminal act or omission. This person is the immediate recipient of the offence, such as someone, who is physically injured or may have suffered damage to his or her property.

(ii) Inclusion of Legal Representatives: The term ‘victim’ may also extend to the legal representatives of the victim, such as guardians or legal heirs, particularly when the victim is deceased. These representatives of a deceased victim are included in the definition to enable their participation in legal proceedings (such as filing appeals or seeking compensation), however, they do not hold the same status as the direct victim. Their role is primarily procedural and does not extend to settling or compromising criminal charges directly, especially in serious offences.

(iii) Broader Legal Context: The term ‘victim’ also implies a broader societal interest in protecting individuals from harm and



ensuring accountability. It reflects the commitment of the legal system to not only addressing the immediate impact of criminal acts upon individuals but also the broader implications for societal safety and justice.

9. Thus, in the context of offences that directly impact the human body-such as those punishable under Sections 302, 304, 304-A, 304-B and 396 of the IPC/103, 105, 106(1), 80, 310 (3) of the BNS etc.-the victim is unequivocally the deceased, as he is the primary individual, who has endured the harm, culminating in the ultimate loss of life due to the actions or negligence of the accused. The status of the deceased as the primary victim is established by the irreversible and fatal nature of the injury suffered.”

10. Furthermore, this Court in case **CRM-M-41100-2024** titled as **‘Deepak Gulati vs. State of Haryana and another’**, decided on 27.08.2024 while dealing with quashing of an FIR bearing No.356 dated 07.09.2019 under Section 304-A of the IPC on the basis of a compromise held that quashing of an FIR for offences under Sections 302, 304, 304-A, 304-B, 306 of the IPC/103(1), 105, 106(1), 80, 108 of the BNS, on the basis of a compromise would undermine the purpose of the law and set a dangerous precedent since these offences cannot be considered private in nature. It was still further observed by this Court in **Deepak Gulati’s case (supra)** as follows:-

“11. In cases of this nature, the role of the Court becomes pivotal, embodying the principles of justitia nemini neganda est—justice is to be denied to no one—and the doctrine of parens patriae. The former principle asserts that justice must be accessible to all, including those who cannot advocate for themselves, such as the deceased in this case. The latter doctrine, meaning “parent of the father land” empowers the Government and Courts to intervene on behalf of individuals or groups who are unable to represent their own interests, such as, children,



disabled adults, or, in this context, the deceased victim who can no longer advocate for his own rights.

12. The Constitution enforces these doctrines through Preamble, Fundamental Rights, and Directive Principles of State Policy. The commitment of the Preamble of our Constitution to social and economic justice, and the protection of individual dignity, would extend even to those who have lost their lives due to the negligence of another. In such cases, the Court must act with the gravity and accountability as if it were directly answerable to the deceased, ensuring that justice is served even when the victim can no longer speak for themselves.”

11. Adverting to the instant case, *prima facie* there are specific allegations against the petitioners of having abetting the suicide of the respondent's son. The fact that the matter has been settled between the petitioners and the complainant ie. Mother of the deceased is inconsequential, as the primary sufferer in this case was the deceased victim himself.

12. Hence, in the wake of the specific and serious allegations levelled against the petitioners, coupled with the ratio of law laid down by the Hon'ble Supreme Court, this Court does not deem it fit to invoke its inherent jurisdiction under Section 482 of the Cr.P.C. to quash the FIR in question.

13. Accordingly, the instant petition is dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 30, 2024
poonam

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No